

REMARKS

Claims 57-65 are presently pending. Of these, Claims 62-65 are withdrawn from consideration. No new matter has been added herewith. The following addresses the substance of the Office Action.

Written Description

The rejection of Claims 57-61 under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement was maintained. In particular, the Examiner stated that the specification discloses an antibody that binds to SEQ ID NO: 4, but that there is no evidence that the applicant was in possession of “an antibody that would bind to amino acid sequences having 95-99% identity to SEQ ID NO: 4”. Applicants have amended Claim 57 to delete recitation of an isolated antibody that specifically binds a protein comprising an amino acid sequence having at least 95% identity to the amino acid sequence encoded by the polynucleotide sequence of SEQ ID NO: 4, thereby rendering the rejection moot.

Of course, the antibodies produced by the Applicants were obtained by immunization with the recited protein, as described in the paragraphs beginning at page 52, line 19 and page 69, line 12 of the Specification. One skilled in the art will recognize that these antibodies “specifically bind” to the protein used for immunization in the sense that they “interact selectively with a specific domain” of the protein. See the attached printout from <http://amigo.geneontology.org>. Thus, one skilled in the art will recognize that the recited antibodies interact with one or more specific domains of a protein encoded by SEQ ID NO: 4.

Claim 57 was also rejected under 35 U.S.C. § 112, first paragraph (Written Description), as containing new matter. In particular, the Examiner concluded that recitation of “a protein encoded by a nucleotide sequence that hybridizes to the polynucleotide of SEQ ID NO: 4 under high stringency conditions” constituted new matter. Without acquiescing and solely to expedite prosecution of the application, the Applicants have amended Claim 57 by removing the phrase, thereby rendering the rejection moot.

In view of the amendments to the claims, the Applicants respectfully request that the rejections under 35 U.S.C. § 112, second paragraph be withdrawn.

Application No.: 10/537,839
Filing Date: May 18, 2006

No Disclaimers or Disavowals

Although the present communication may include alterations to the application or claims, or characterizations of claim scope or referenced art, Applicant is not conceding in this application that previously pending claims are not patentable over the cited references. Rather, any alterations or characterizations are being made to facilitate expeditious prosecution of this application. Applicant reserves the right to pursue at a later date any previously pending or other broader or narrower claims that capture any subject matter supported by the present disclosure, including subject matter found to be specifically disclaimed herein or by any prior prosecution. Accordingly, reviewers of this or any parent, child or related prosecution history shall not reasonably infer that Applicant has made any disclaimers or disavowals of any subject matter supported by the present application.

Co-Pending Applications of Assignee

Applicant wishes to draw the Examiner's attention to the following co-pending applications of the present application's assignee.

Docket No.	Serial No.	Title	Filed
DAVI257.002CP1	11/888911	DCL-1 AND USES THEREOF	31-Jul-2007

CONCLUSION

In view of Applicants' amendments to the Specification and the Claims and the foregoing Remarks, it is respectfully submitted that the present application is in condition for allowance. Should the Examiner have any remaining concerns which might prevent the prompt allowance of the application, the Examiner is respectfully invited to contact the undersigned at the telephone number appearing below.

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Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

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